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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/821,348 | 04/09/2004 | Kiyoshi Okamoto | CFA00077US | 9999 |

34904 7590 09/17/2008
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| EXAMINER |
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PACHOL, NICHOLAS C

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| ART UNIT | PAPER NUMBER |
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2625

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| MAIL DATE | DELIVERY MODE |
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09/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|---------------------------------------|---|--|
| Office Action Summary | Application No. 10/821,348 | Applicant(s) OKAMOTO, KIYOSHI | |
| | Examiner Nicholas C. Pachol | Art Unit 2625 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/19/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 20-33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 20-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Morigami (US 5,708,953).

Regarding Claim 20, Morigami teaches an automatic document feeder (Column 5, lines 20-25) comprising:

a document tray on which a plurality of documents can be placed (Column 5, lines 20-25 and Figure 1, element 81);

a separating section configured to separate the documents placed on the document tray one by one (Column 5, lines 25-38);

a feeding section configured to feed the document separated by the separating section to a document reading position (Column 5, lines 25-38);

an input section inputting information on the material of the document (Column 10, lines 8-10); and

a separation control section controlling timing of starting a separating operation in the separating section based on the information on the material of the document inputted by the input section (Figure 13 and Column 10, lines 13-35, wherein since the documents are transferred at different speeds depending on the document type, then they are separated at different times depending on the document type).

Regarding Claim 21, Morigami further teaches wherein the input section inputs information on whether or not the document is recording paper recorded in color (Figure 17 and Column 13, lines 50-53).

Regarding Claim 22, Morigami further teaches wherein the separation control section delays the timing of starting a separating operation when the information indicating that the document is color-recorded paper is inputted more than that for normal paper documents (Column 10, line 61 – Column 11, line 5).

Regarding Claim 24, Morigami further teaches wherein the input section inputs information set by a console section of a connected imaging device or information set by a console section of the document feeder (Figure 17 and Column 13, lines 50-53, where the user interface is the ability for the user to set these conditions).

Regarding Claim 26, Morigami teaches an automatic document feeder connected to an imaging device (Column 3, lines 48-55) comprising: a document tray on which a plurality of documents can be placed (Column 5, lines 20-25 and Figure 1, element 81);

a separating section configured to separate the documents placed on the document tray one by one (Column 5, lines 25-38);

a feeding section configured to feed the document separated by the separating section to a document reading position (Column 5, lines 25-38);

a determining section determining whether the recording mode of the imaging device is a color recording mode or a monochrome recording mode (Figure 17 and Column 22, lines 45-47); and

a separation control section controlling timing of starting a separating operation in the separating section based on the determination of the determining section (Figure 13 and Column 10, lines 13-35, wherein since the documents are transferred at different speeds depending on the document type, then they are separated at different times depending on the document type).

Regarding Claim 27, Morigami further teaches wherein the separation control section delays the start timing of the separating operation in the color recording mode more than the start timing of the separating operation in the monochrome recording mode Figure 13 and Column 10, lines 13-35, wherein since the documents are transferred at different speeds depending on the document type, then they are separated at different times depending on the document type).

Regarding Claim 28, Morigami teaches an automatic document feeder connected to an imaging device (Column 3, lines 48-55), comprising: a document tray on which a plurality of documents can be place (Column 5, lines 20-25 and Figure 1, element 81);

a separating section configured to separate the documents placed on the document tray one by one (Column 5, lines 25-38);

a carrying section carrying the document separated by the separating section to a document reading position (Column 5, lines 25-38);

a determining section determining whether or not the imaging device connected to the automatic document feeder has a color recording function (Figure 17 and Column 13, lines 50-52 and Column 14, lines 57-57, wherein if the copier can not copy a color image, then monochrome images would be the only options); and

a separation control section controlling timing of starting a separating operation in the separating section based on the determination of the determining section (Figure 13 and Column 10, lines 13-35, wherein since the documents are transferred at different speeds depending on the document type, then they are separated at different times depending on the document type).

Regarding Claim 29, Morigami further teaches wherein the separation control section delays the timing of starting the separating operation when the imaging device has the color recording function more than the timing of starting the separating operation when the imaging device has no color recording function (Figure 13 and

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Column 10, lines 13-35, wherein since the documents are transferred at different speeds depending on the document type, then they are separated at different times depending on the document type).

Regarding Claim 30, Morigami teaches a method for controlling an automatic document feeder (Column 1, lines 51-58, where a method is directly stated in claim 6) including a document tray on which a plurality of documents can be placed (Column 5, lines 20-25 and Figure 1, element 81), a separating section configured to separate the documents placed on the document tray one by one (Column 5, lines 25-38), and a feeding section feeding the document separated by the separating section to a document reading position (Column 5, lines 25-38), the method comprising:

inputting information on the kind of document (Column 10, lines 8-10); and
controlling a separation start timing in the separating section based on the information on the kind of document inputted in the input step (Figure 13 and Column 10, lines 13-35, wherein since the documents are transferred at different speeds depending on the document type, then they are separated at different times depending on the document type).

Regarding Claim 32, Morigami teaches a method for controlling an automatic document feeder connected to a imaging device (Column 1, lines 51-58, where a method is directly stated in claim 6) including a document tray on which a plurality of documents can be placed (Column 5, lines 20-25 and Figure 1, element 81), a

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separating section configured to separate the documents placed on the document tray one by one (Column 5, lines 25-38), and a carrying section carrying the document separated by the separating section to a document reading position (Column 5, lines 25-38), the method comprising:

- determining whether a recording mode in the imaging device is a color recording mode or a monochrome recording mode (Column 5, lines 25-38); and

- controlling a separation start timing in the separating section based on the determination in the determining step (Figure 13 and Column 10, lines 13-35, wherein since the documents are transferred at different speeds depending on the document type, then they are separated at different times depending on the document type).

Regarding Claim 33, Morigami teaches a method for controlling an automatic document feeder connected to an imaging device (Column 1, lines 51-58, where a method is directly stated in claim 6) including a document tray on which a plurality of documents can be placed (Column 5, lines 20-25 and Figure 1, element 81), a separating section configured to separate the documents placed on the document tray one by one (Column 5, lines 25-38), and a feeding section feeding the document separated by the separating section to a document reading position (Column 5, lines 25-28), the method comprising:

- determining whether or not the imaging device has a color recording function (Figure 17 and Column 13, lines 50-52 and Column 14, lines 57-57, wherein if the

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copier can not copy a color image, then monochrome images would be the only options); and

controlling a separation start timing in the separating section based on the determination in the determining step (Figure 13 and Column 10, lines 13-35, wherein since the documents are transferred at different speeds depending on the document type, then they are separated at different times depending on the document type).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morigami (US 5,708,953) in view of Anderson (US 6,646,768).

Regarding Claim 23, Morigami further teaches a sensor disposed between the separating section and the feeding section and configured to detect the presence of a document (Column 6, lines 1-6),

a second separation mode in which the separation of the following document is started before the trailing edge of the documents is detected by the sensor (Column 10, lines 18-19, where the first roller occurs it is before the detection of the trailing edge), based on the information on the kind of document (Figure 13 and Column 10, lines 13-

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35, wherein since the documents are transferred at different speeds depending on the document type, then they are separated at different times depending on the document type).

Morigami does not teach wherein the separation control section switches between a first separation mode in which the separation of the following document is started after the trailing edge of the document has been detected by the sensor.

Anderson does teach wherein the separation control section a first separation mode in which the separation of the following document is started after the trailing edge of the document has been detected by the sensor (Column 6, line 53 - Column 7, line 1).

Morigami and Anderson are combinable because the both are dealing with functions of the ADF.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Morigami with the teachings of Anderson to gain greater control over the feeding of the documents in the adf (Anderson: Column 9, lines 19-23).

6. Claims 25 and 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Morigami (US 5,708,953 in view of Nisimurua (US 6,655,676).

Regarding Claim 25, Morigami teaches an imaging device (Column 3, lines 48-49) comprising:

a document tray on which a plurality of documents can be placed (Column 3, line 52 and Figure 1, element 20);

a separating section configured to separate the documents placed on the document tray one by one (Column 5, lines 25-38);

a feeding section configured to feed the document separated by the separating section to a document reading position (Column 5, lines 25-38);

an input section inputting information on the material of the document (Column 10, lines 8-10);

a recording-mode setting section (Column 4, lines 20-30) configured to set whether color recording is preformed or monochrome recording is preformed (Figure 17 and Column 22, lines 45-47);

a separation control section controlling timing of starting the separation in the separating section based on the information on the material of the document inputted by the input section (Figure 13 and Column 10, lines 13-35, wherein since the documents are transferred at different speeds depending on the document type, then they are separated at different times depending on the document type).

Morigami does not teach a warning section configured to warn when the input section has not inputted that the document is color recorded paper in the case where a color recording mode is set by the recording-mode setting section.

Nisimurua does teach a warning section configured to warn when the input section has not inputted that the document is color recorded paper in the case where a color recording mode is set by the recording-mode setting section (Column 3, lines 16-

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22, wherein if the paper types do not match then this would constitute not inputting the paper is color recorded paper).

Morigami and Nisimurua are combinable because they both deal with the properties of paper in an image forming device.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Morigami with the teachings of Nisimurua for the purpose of controlling the selection of color paper (Nisimurua: (Column 1, lines 48-55).

Regarding Claim 31, Morigami teaches a method for controlling an automatic document feeder connected to a imaging device (Column 1, lines 51-58, where a method is directly stated in claim 6) including a document tray on which a plurality of documents can be placed (Column 5, lines 20-25 and Figure 1, element 81), a separating section configured to separate the documents placed on the document tray one by one (Column 5, lines 25-38), and a feeding section feeding the documents separated by the separating section to a document reading position (Column 5, lines 25-38), the method comprising:

inputting information on the material of the document (Column 10, lines 8-10);
setting whether color recording is performed or monochrome recording is performed by the imaging device (Figure 17 and Column 22, lines 45-47);

controlling a separation start timing in the separating section depending on the information on the kind of document inputted in the inputting step (Figure 13 and

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Column 10, lines 13-35, wherein since the documents are transferred at different speeds depending on the document type, then they are separated at different times depending on the document type).

Morigami does not teach warning when it has not been inputted that the document is color recorded paper in the inputting step in the case where a color recording mode is set in the setting step.

Nisimurua does teach warning when it has not been inputted that the document is color recorded paper in the inputting step in the case where a color recording mode is set in the setting step (Column 3, lines 16-22, wherein if the paper types do not match then this would constitute not inputting the paper is color recorded paper).

Morigami and Nisimurua are combinable because they both deal with the properties of paper in an image forming device.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Morigami with the teachings of Nisimurua for the purpose of controlling the selection of color paper (Nisimurua: (Column 1, lines 48-55).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas C. Pachol whose telephone number is 571-270-3433. The examiner can normally be reached on M-Thr, 8:00 a.m.- 4:00 p.m. (EST), Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler L. Haskins can be reached on 571-272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

N.P.
09/11/08